



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

July 22, 1993

Mr. William J. Delmore, III  
General Counsel  
Office of the District Attorney  
Harris County  
201 Fannin, Suite 200  
Houston, Texas 77002-1901

OR93-482

Dear Mr. Delmore:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 20205.

You state that the Office of the Harris County District Attorney (the "district attorney") has received a request for "the district attorney's files for the prosecutions of Oscar Sidney Gregg for the offenses of indecency with a child and aggravated sexual assault of a child in Cause Nos. 439,475, 609,674, 609, 675 and 629, 526 in the 117th District Court, Harris County, Texas." You also state that the district attorney has no objection to the release of records filed in the trial court, but objects to the release of the remainder of the documents in the file which have been submitted for our review. You contend the information is excepted from public disclosure under sections 3(a)(1), 3(a)(3), and 3(a)(8) of the Open Records Act.<sup>1</sup>

Section 3(a)(1) excepts "information deemed confidential by law, either Constitutional, statutory, or by judicial decision." Chapter 34 of the Family Code governs reports of child abuse. Abuse of a child under chapter 34 includes indecency with a child and sexual assault of a child. Family Code § 34.012(1)(E), (G). Section 34.08 of the Family Code provides in part that:

(a) Except as provided in Subsections (b) and (c) of this section, the reports, records, and working papers used or developed

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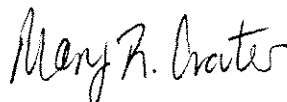
<sup>1</sup>We note that you also request reconsideration of the Attorney General Opinion JM-266 (1984) ruling that the district attorney's office is a governmental body subject to the Open Records Act. Because we have already addressed and dismissed your arguments in Open Records Ruling No. 93-213 (1993), we decline to readdress this matter.

in an investigation made under this chapter are confidential and may be disclosed only for purposes consistent with the purposes of this code under regulations adopted by the investigating agency.

Subsections (b) and (c) of section 34.08 are inapplicable in the present case. Accordingly, you may withhold the requested information under section 3(a)(1) of the Open Records Act as it incorporates section 34.08 of the Family Code.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please contact this office.

Yours very truly,



Mary R. Crouter  
Assistant Attorney General  
Opinion Committee

MRC/LBC/jmn

Ref.: ID# 20205

Enclosures: Submitted documents

cc: Mr. William H. Vidor  
Ms. Theresa A. Walter  
Whittington, Pfeiffer & Vacek  
2600 South Gessner, Suite 600  
Houston, Texas 77063-3291  
(w/o enclosures)